

REMARKS

This application has been carefully reviewed in light of the final Office Action dated September 10, 2010. Claims 4 to 7, 50 and 51 are pending in the application, of which Claims 4 and 5 are independent. Claims 7 and 50 are withdrawn from consideration. Reconsideration and further examination are respectfully requested.

Initially, Applicants wish to thank the Examiner for the courtesies extended to Applicants' undersigned representative during the telephone interview conducted on December 14, 2010. During the interview, the Examiner agreed to examine claims directed to the combination of SEQ ID Nos. 1 to 9 upon the filing of a Request for Continued Examination (RCE). Accordingly, such action is respectfully requested.

Claims 4 to 6 and 51 were rejected under U.S.C. §103(a) over U.S. Publication No. 2004/0010129 (Hsu) in view of U.S. Patent No. 6,376,186 (Hogan). These rejections are respectfully traversed.

According to one feature recited by Claim 4, the probe set comprises nine oligonucleotides, each consisting of a different one of SEQ ID Nos. 1 to 9 or the complementary sequence thereof.

According to one feature recited by Claim 5, the probe set includes plural types of infection detection probes consisting of different types of oligonucleotides, wherein the different types of oligonucleotides consist of nine oligonucleotides, each consisting of a different one of SEQ ID Nos. 1 to 9 or the complementary sequence thereof.

By virtue of the foregoing features, it is possible to specifically detect *Staphylococcus aureus* with a small number of probes. As such, it is further possible to obtain an area, in a probe array, for arranging probes to detect other etiologic agents.

Neither Hsu nor Hogan, even in the proposed combination, assuming, *arguendo*, that such could be combined, is seen to disclose or suggest at least the foregoing features, or the attendant benefits provided thereby.

The other pending claims in this application are each dependent from the independent claims discussed above and are therefore believed allowable for the same reasons. Because each dependent claim is also deemed to define an additional aspect of the invention, however, the individual consideration of each on its own merits is respectfully requested.

With respect to non-elected Claims 7 and 50, rejoinder of these claims is respectfully requested upon the allowance of Claims 4 and 6, pursuant to MPEP § 821.04.

An Information Disclosure Statement was submitted on November 19, 2010, and consideration of the documents cited therein is respectfully requested.

No other matters being raised, the entire application is believed to be in condition for allowance, and such action is courteously solicited.

Applicants' undersigned attorney may be reached in our Costa Mesa, California office at (714) 540-8700. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

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